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UNITED STATES DI STRICT COURT
DISTRICT OF NEW JERSEY

JOHN DOE, **Plaintiff,** **-against-** **PRINCETON UNIVERSITY,** **Defendant.**	:	**Civil Action No:** **COMPLAINT AND** **DEMAND FOR JURY TRIAL**

Plaintiff John Doe[1] (hereinafter referred to as "Plaintiff" or "John Doe"), by his attorneys Warshaw Burstein, LLP, as and for his Complaint, respectfully alleges as follows:

THE NATURE OF THIS ACTION

1. John Doe seeks redress against Defendant Princeton University ("Defendant Princeton" or "Princeton") due to Princeton's actions, omissions, and prejudicial errors, and its overall failure to provide John Doe with an expected duty of reasonable care concerning his suicide attempts and allegations of sexual assault against Student Y, a male student at Princeton.

2. John Doe is homosexual, but during his time at Princeton, John Doe was not open about his homosexuality, nor had he explored his sexuality with men before he met Student Y.

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[1] Plaintiff has filed, contemporaneously with this Complaint, a Motion to proceed pseudonymously.

3. On or about October 21, 2014, John Doe notified Princeton that he had been sexually assaulted twice by Student Y; first, on August 15, 2014, then a month later on September 22, 2014.

4. During the disciplinary process, Princeton demonstrated a disturbing deliberate indifference and gender bias regarding John Doe's status as a "complainant" on the basis of his male sex. When John Doe notified Princeton about the sexual assaults, Princeton charged Student Y with sexual misconduct, and also charged John Doe with sexual misconduct. John Doe complained of ongoing harassment by Student Y's friends, but Princeton failed to issue no-contact orders. Instead, Princeton issued interim restrictions precluding John Doe from entering Princeton Hillel thereby further depriving John Doe of educational opportunities. During the investigation process, Princeton accepted Student Y's statements at face-value and provided Student Y with more opportunities to meet with the Panel to defend the allegations, as compared to Plaintiff. Princeton failed to interview all of John Doe's witnesses, which proved detrimental to John Doe's ability to thoroughly present his complaint to the three-person investigative panel.

5. Despite John Doe's requests, Princeton failed to continue to provide John Doe with accommodations on coursework and exams, and failed to assist him in attending his classes in light of the hostile environment he was experiencing. John Doe also advised various religious leaders on campus and Princeton employees of the fact that he was experiencing suicidal tendencies and, indeed, attempted suicide. It was clear that John Doe's depressive state and suicidal behavior stemmed from the sexual attacks against him by Student Y, which was compounded by isolation from his peers, Princeton's unlawful disclosure of Student Y's suicide attempts, and Princeton's lack of support and resources during the process. However, Princeton ignored John Doe's pleas for help.

6. As a result of his distressing experience during the disciplinary process, John Doe was unable to satisfactorily complete his coursework or exams and received a failing grade in his course(s). Instead of allowing him an opportunity to retake his courses the following semester, Princeton terminated his enrollment as a student based upon an arbitrary requirement that he should have maintained a "B average" in his courses.

7. Due to Princeton's actions, John Doe's graduate degree has been thwarted and the monies spent on obtaining a graduate degree at Princeton squandered. John Doe's future career and educational prospects have been damaged by his experience at Princeton.

8. John Doe brings this action to obtain relief based on causes of action for, *inter alia*, violations of Title IX of the Education Amendments of 1972 and state law.

THE PARTIES

9. John Doe is a natural person residing in New York, New York. During the events described herein, John Doe was a student at Princeton University and resided on the Princeton University campus in Princeton, New Jersey.

10. Upon information and belief, Defendant Princeton University is a non-profit corporation organized under the laws of the State of New Jersey operating as a private liberal arts university located in Princeton, New Jersey.

11. John Doe and Defendant Princeton are sometimes hereinafter collectively referred to as the "Parties."

JURISDICTION AND VENUE

12. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 on the basis of Title IX of the Education Amendments of 1972.

13. This Court has diversity jurisdiction pursuant to § 1332 because John Doe and Princeton are citizens of different states and the amount in controversy exceeds $75,000.00, exclusive of costs and interest.

14. The Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 because the state law claims are so closely related to the federal law claims as to form the same case or controversy under Article III of the U.S. Constitution.

15. This Court has personal jurisdiction over Princeton on the grounds that Princeton is conducting business within the State of New Jersey.

16. Venue for this action properly lies in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

A. John Doe Was a Model Student With No Prior Disciplinary Record

17. John Doe attended Harvard College graduating in 2013 with a Bachelor of Arts (A.B.) in Applied Mathematics and Economics, and a Certificate in Chinese.

18. Setting his sights on an Ivy League liberal arts education committed to practical idealism and an environment that markets itself to be open to all views and opinions before passing judgment, John Doe applied to the Princeton University graduate program and was accepted in 2013.

19. John Doe began his schooling in Princeton in September 2013.

20. John Doe had a student visa sponsored by Princeton.

21. While a student at Princeton, John Doe was a student in good academic standing, and had no prior history of disciplinary misconduct.

22. John Doe intended to obtain a Masters of Finance degree from Princeton.

23. However, as a result of Princeton's discriminatory and arbitrary and capricious actions, John Doe's enrollment was terminated in his last semester at Princeton.

B. Princeton's Adjudication Process Under Policy 1.3

24. Upon his acceptance, the Princeton University's Rights, Rules, Responsibilities (the "Rules") were readily available on Princeton's Internet website. Upon information and belief, the relevant portions of the 2014 version of the Rules remained unchanged from the time John Doe began his enrollment at Princeton through the time his enrollment was terminated, as described below. A copy of the 2015 Rules is annexed hereto as **Exhibit A**[2]. Specifically, Policy 1.3 sets forth the procedures for the investigation, review and sanctions of complainants and accused students regarding sexual misconduct ("Policy 1.3").

25. The Vice Provost for Institutional Equity and Diversity serves as the Title IX Coordinator and coordinates the University's compliance with Title IX. Responding to any complaint or report regarding conduct that violates this policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal. The Title IX Coordinator may delegate responsibilities under the Rules to designated administrators, who will be appropriately trained. *See,* Policy 1.3.1, p. 1, **Exhibit A**.

26. In addition, Policy 1.3 states that upon receipt of a complaint or report of a violation of this policy, the University will provide reasonable and appropriate interim measures designed to preserve the complainant's educational experience, the safety of all parties and the broader University community, maintain the integrity of the investigative and/or resolution

[2] A copy of the Rules was accessed and printed in 2015. However, the current version of the Rules reflects the 2016 Edition. Rights, Rules, Responsibilities, 2016 Edition (available at http://www.princeton.edu/pub/rrr/index.xml).

process, and deter retaliation. The University may provide interim measures regardless of whether the complainant seeks formal disciplinary action. *See,* Policy 1.3.9, p. 1, **Exhibit A**.

27. According to Policy 1.3, interim measures may include: access to counseling services and assistance in arranging an initial appointment, rescheduling of exams and assignments, change in class schedule, including the ability to transfer course sections or withdraw from a course, change in work schedule or job assignment, change in campus housing, providing medical services, imposition of an on-campus "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals, and/or, by other measure that can be used to achieve the goals of this policy. *See,* Policy 1.3.9, p. 1, **Exhibit A**.

28. Policy 1.3 states that any interim measures will not disproportionately impact the complainant. Requests for interim measures may be made by or on behalf of the complainant to any University official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the University's response with the appropriate offices on campus. *Id.*

29. During the disciplinary process, both parties (complainant and respondent) have equivalent rights, including the opportunity to present evidence, to identify individuals who may possess relevant information and request that such individuals be interviewed, to be accompanied by an adviser of their choice, and to appeal. The University will concurrently provide both parties with written notification of the outcome of the process and any appeal. *See,* Policy 1.3.10, p. 1, **Exhibit A**.

30. The investigative process is initiated when the Title IX Coordinator receives a complaint or report of a violation of this policy. The Title IX Coordinator will conduct an initial

assessment. Following the initial assessment, the Title IX Coordinator may take any of the following actions:

- If the Title IX Coordinator determines that the complaint, even if substantiated, would not rise to the level of a policy violation, or, after consultation with the complainant about the complainant's preferences regarding participation, the Title IX Coordinator determines that there will be insufficient information to investigate the matter, the Title IX Coordinator may dismiss the complaint (*See,* Policy 1.3.10, p. 2, **Exhibit A**);

- If the Title IX Coordinator determines that the complaint is outside the scope of this policy, the Title IX Coordinator may refer the complaint to another office for review (*See,* Policy 1.3.10, p. 2, **Exhibit A**);

- If the Title IX Coordinator determines that the complaint or report would, if substantiated, constitute a violation or this policy, the Title IX Coordinator will determine appropriate interim measures and initiate an investigation (*See,* Policy 1.3.10, p. 2, **Exhibit A**).

31. When the Title IX Coordinator receives a complaint or report alleging that a student violated this policy, the Title IX Coordinator will appoint a three-person investigative panel of administrators and/or outside investigators. The investigative panel will conduct an inquiry and determine, by a preponderance of the evidence, whether this policy was violated. All panelists will have training in investigating and evaluating conduct prohibited under the policy. The panelists will also be impartial and unbiased. *See,* Policy 1.3.12, p. 2, **Exhibit A**.

32. The panel will interview the parties and witnesses as necessary. The panel will prepare a case file of all interview summaries, witness statements, and other documents. *See,* Policy 1.3.12, p. 1, **Exhibit A**.

33. After reviewing the file, each party will have an opportunity (1) to meet again with the panel, (2) to respond in writing, (3) to request the collection of other information by the panel, and (4) to identify individuals who may possess relevant information (and request that such individuals be interviewed). The panel will designate reasonably prompt time frames to ensure a timely completion of the process but also an adequate opportunity for both sides to

respond thoroughly to the information gathered in the investigation. *See,* Policy 1.3.12, p. 3, **Exhibit A**.

34. Both parties, the complainant and the respondent, have equal rights to an impartial appeal and to participate equally in the appeal process, even if the party is not the appealing party. If either party files an appeal, the associate secretary of the University will notify the other party in writing. *See,* Policy 1.3.12, p. 3, **Exhibit A**.

35. Under the 2014 Rules, questions about the complainant's sexual history are prohibited. The 2015 Rules were revised and removed this prohibition.

36. Under the 2014 Rules, all responses to appeals are made within 7 days. The 2015 Rules were revised to extend the appeal response time to two weeks.

C. The Relationship Between John Doe and Student Y

37. John Doe does not have any family in the United States, as he is a citizen of Turkey and his family still resides in Turkey.

38. Although his mother is Jewish, John Doe was not raised in a Jewish household and knew very little about the Jewish religion. While a student at Princeton, seized the opportunity to learn more about his Jewish faith.

39. In February 2014, John Doe and Student Y met at an on-campus, school-sponsored religious event where students talked about their own religious backgrounds. Student Y was an influential student on campus, and very involved with the Jewish student community and Rabbis at Princeton Hillel. Student Y was an active student on campus and was well-regarded by Princeton faculty. Student Y is currently a student member of Princeton's Sexual Harassment/Assault Advising, Resources and Education (SHARE), although it is unclear when he became a member.

40. After talking for a while, Student Y learned about John Doe's interest in getting in touch with his Jewish faith. Student Y offered to connect John Doe with Rabbis, and invited John Doe to Shabbat. They began to hang out regularly.

41. At the end of the spring 2014 semester, Student Y expressed his romantic interest in John Doe, but John Doe advised that he did not feel the same way. John Doe is homosexual, but during his time at Princeton, John Doe was not open about his homosexuality, nor had he explored his sexuality with men before.

42. During the summer of 2014, John Doe went to Turkey to visit with his family. While John Doe was out of the country, they occasionally connected through Snapchat, Facebook messages, and Skype.

43. In June 2014, John Doe came back to the United States and started his internship at a national insurance company. During the same time, Student Y went to Israel. The two students continued to keep in touch over Skype. They decided to go out on their first date when Student Y returned to the United States in August 2014.

44. By August 2014, John Doe and Student Y had both returned to New York and spent time together every day. There was a multi-day period where John Doe slept at Student Y's home each night. John Doe regularly went to Student Y's family home for Shabbat. At one point, Student Y's parents were away and John Doe went to Student Y's family home to sleep over for a few days.

45. Student Y also introduced John Doe to his colleagues and friends at Princeton Hillel, including Rabbi Eliezer Bercuson, Rabbi Sara Rich, Rabbi Eitan Webb, Chaplain for the Office of Religious Life Sohaib Sultan, Student HF (Student Y's roommate) and Student JR. John Doe became friendly with many of them.

46. Following their first few weeks of dating, John Doe had become completely co-dependent on Student Y and his community of contacts.

D. The August 15, 2014 Sexual Assault

47. The first sexual assault occurred on August 15, 2014 (the "First Sexual Assault").

48. John Doe and Student Y were at Student Y's apartment in Riverdale, New York.

49. While lying in bed, the two students began talking about their potential marriage in the future. Student Y recited a list of "marriage conditions" he expected from John Doe before they got married, including, but not limited to, observing Shabbat and becoming more religious.

50. John Doe and Student Y began to argue about Student Y's list of "marriage conditions." The two students remained in bed, but Student Y stopped talking to John Doe for a few minutes. Student Y then stated that they should not go to bed having fought, and believed that the "cure" for their fight was to have sex.

51. Until this time, John Doe never had anal sex with another man before, and John Doe and Student Y never had sex together at all.

52. Student Y requested that John Doe have anal sex with him. Student Y referred to condoms he purchased in anticipation of having sex with John Doe.

53. John Doe initially refused. However, Student Y continued to pressure John Doe into having sex for the next thirty minutes.

54. Reluctantly, John Doe stopped refusing to have sex.

55. Student Y began to penetrate John Doe anally. John Doe was lying on the bed, face down, while Student Y was on top of him.

56. John Doe told Student Y that he was in pain once Student Y began to penetrate him, but Student Y did not stop penetration. Student Y told John Doe that it will "get better" once he enters him completely.

57. After full penetration, John Doe was in such extreme pain that he told Student Y to stop.

58. Student Y refused to stop despite John Doe's non-consent. Student Y stated that he wanted to climax first.

59. During this time, Student Y began hitting John Doe in the shoulder. John Doe raised his voice and asked Student Y to stop multiple times.

60. Again, Student Y refused to stop, and said that he needed a minute to climax.

61. After Student Y climaxed, he got off of John Doe.

62. Student Y asked John Doe if he wanted to penetrate Student Y. However, John Doe declined.

63. Walking in pain, John Doe got off the bed and went to the bathroom. In the bathroom, John Doe noticed that he was bleeding due to Student Y's penetration.

64. For days after the First Sexual Assault, John Doe experienced anal pain and had issues going to the bathroom.

65. A few days after the First Sexual Assault, John Doe traveled to Turkey to be with his family.

66. While in Turkey, John Doe attended an annual exam with his local doctor. Due to the cultural disapproval of homosexuality, John Doe was unable to advise his doctor of the anal pain and bathroom issues he was experiencing as a result of the First Sexual Assault. However, the doctor's report did note bruises and injuries on John Doe consistent with sexual assault.

67. When John Doe retuned to Princeton from Turkey, John Doe told Student Y that he did not want to have sex anymore because it was so bloody and painful. John Doe no longer wanted to see Student Y and made excuses to avoid seeing Student Y. John Doe also stopped attending Hillel with Student Y; instead, he went on his own.

68. John Doe was planning to break things off with Student Y, and texted him with his intent.

E. The September 2014 Sexual Attack

69. The second sexual assault happened on or about September 22, 2014 (the "Second Sexual Assault").

70. John Doe decided to break up with Student Y on September 22, 2014. John Doe called Student Y to come over to his apartment in Princeton, New Jersey.

71. John Doe and Student Y discussed John Doe's intent to break up, including the fact that John Doe sought medical attention in Turkey following the August 15, 2014 attack. John Doe and Student Y both decided to end the relationship.

72. Student Y started to cry and John Doe tried to comfort Student Y by gently patting him on the back.

73. As Student Y was crying, he slipped his hand into John Doe's trousers and manually stimulated John Doe's penis as he attempted to take off John Doe's clothes. John Doe asked, "What are you doing?" but Student Y moved very quickly and undressed him down to his boxers.

74. While John Doe was sitting on his couch, Student Y got on top of John Doe and began thrusting his genital area onto John Doe's legs. Student Y kept his boxers on.

75. Simulating anal sex, Student Y continued to thrust his genital area onto John Doe's rear end. The only layer of separation between Student Y's genitals and John Doe's bottom was the thin fabric of their boxers.

76. During this time, John Doe was scared and anxious, fearing that Student Y would penetrate him.

77. As John Doe recalled the extremely painful First Sexual Assault, he started to experience a panic attack.

78. Student Y then pushed John Doe's legs up, and exposed John Doe's rear end. John Doe objected to Student Y's actions, and pushed him onto the ground.

79. Student Y fell on the ground but pulled John Doe on him. John Doe's physical resistance should have caused Student Y to stop.

80. John Doe asked Student Y what he was doing, and Student Y responded that he must still like John Doe.

81. Disgusted with Student Y and how he had violated John Doe again, John Doe got up to leave the living room and walked into the kitchen. John Doe asked Student Y to leave and pretended to study in order to avoid contact with Student Y.

82. After the Second Sexual Assault, John Doe told Student Y that he did not want to see him, and he blocked his number.

83. John Doe confided in a few mutual friends that Student Y had sexual assaulted him on multiple occasions.

84. However, due to Student Y's influential status on campus and at Princeton Hillel, Student Y's friends created a hostile environment for John Doe at Princeton Hillel. Student Y's friends harassed John Doe on campus by yelling out a gay slur to him and calling him a liar. John

Doe no longer felt welcome at Princeton Hillel and did not have friends there anymore. John Doe felt isolated from the one community that he had longed to learn about and participate in since he arrived at Princeton.

F. **Princeton's Notification About the Sexual Attacks Against John Doe**

85. On or about October 21, 2014, John Doe notified Assistant Dean for Residence Life and Student Affairs Lily Secora ("Secora") that he had been sexually assaulted twice by Student Y; first, on August 15, 2014, then a month later on September 22, 2014.

86. John Doe advised Secora that Student Y's friends were harassing him due to their loyalty to Student Y. John Doe was understandably in fear and requested remedial measures.

87. Acting without any sense of urgency, no interim measures were provided and Princeton did not begin its investigation process until November 21, 2014.

88. On December 5, 2014, Princeton's Title IX Administrator Regan Crotty ("Crotty") met with Student Y to discuss John Doe's allegations of sexual assaults against him. Student Y denied the allegations but did not provide any details to support his denials.

89. On January 14, 2015, Princeton assembled an investigative panel to investigate the charges and interview witnesses. The investigative panel consisted of Crotty, Associate Director of Human Resources John Martin ("Martin"), and Associate Dean of the Graduate School Lisa Schreyer ("Schreyer") (collectively, the "Panel").

90. The Panel met with Student Y for a second time on January 14, 2015. Student Y was accompanied by his advisor, Mathey College Director of Student Life Matthew Frawley. Again, Student Y denied the allegations with very little detail. At this point, the Panel still had not met with John Doe.

91. The Panel did not meet with John Doe for the "initial assessment meeting" prior to commencing the investigation in violation of Policy 1.3. It was not until January 22, 2015,

when the Panel interviewed John Doe for the first time concerning his allegations of sexual assaults.

92. In the January 22 interview, John Doe explained that he felt isolated and limited in his participation at Princeton Hillel due to the hostile environment caused by Student Y and Student Y's friends. John Doe discussed the August 2014 and September 2014 sexual assaults in great detail with the Panel. John Doe also disclosed the fact that he had been diagnosed with testicular cancer since December 13, 2013 when he was examined in Turkey, but did not intend for that fact to be included in his case file for the purposes of his complaint.

93. While the Panel asked John Doe for a list of witnesses, they failed to interview several witnesses on John Doe's list.

94. John Doe advised the Panel that he was depressed and had been diagnosed with post-traumatic stress disorder (PTSD), which qualifies as a disability under Section 504 of the Rehabilitation Act of 1973.

95. The Panel did not treat John Doe with respect and concern during the interview. Princeton did not provide John Doe with such resources or guidance regarding his studies, despite the fact that Princeton's Sexual Misconduct & Title IX Department is dedicated to students who are enduring the complaint process and provides accommodations during the process. Also, the Panel inappropriately questioned John Doe multiple times about his sexual history in violation of Policy 1.3. John Doe declined to answer each time.

96. On January 23, 2015, the Panel interviewed Student Y for a third time. The Panel asked Student Y if there were any witnesses that they should speak to about the allegations. Student Y mentioned his friend, Student C, and his roommate, Student I.

97. During the January 23 interview, Crotty disclosed to Student Y that John Doe has testicular cancer and advised Student Y not to share this health information with anyone else. Crotty's disclosure about John Doe's testicular cancer was unsolicited and in violation of John Doe's right to privacy of his medical records.

98. Between February 2, 2015 – February 9, 2015, the Panel interviewed Students I, C, H, K and E.

> Student I was one of Student Y's roommates, but he did not know about the relationship between John Doe and Student Y until the relationship was ending. Student I only met John Doe once at a lunch at the Chabad House, and was unaware of his relationship to Student Y. Student I did not personally observe any aspect of their relationship, and did not know much about the physical intimacy involved in their relationship. Student Y told Student I that John Doe's sexual assault claims were untrue and that they were seriously committed to each other when they had sex. Student I admitted that anything he learned about the allegations was through Student Y or Student E.
>
> Student C is originally friends with Student Y, however, she became friends with both John Doe and Student Y. After John Doe and Student Y broke up, Student C did not socialize with John Doe as much. Student C stated that Student Y called her one morning and said he was concerned about a long blog post that John Doe had posted. Student Y told Student C that he was concerned that John Doe would commit suicide. Student Y told Student C that John Doe was accusing him of rape.
>
> Student H is friends with Student Y and met him at Center for Jewish Life (CJL). She characterized Student Y as a "regular CJL" and they crossed paths often and met occasionally during the semester at SJL. She stated that John Doe was not a "super regular" at SJL and that she first met him at an event on Friday night social gathering.
>
> Student K is good friends with Student C. Student C was concerned about Student Y. He knew both Student Y and John Doe, but was not close to them. John Doe disclosed that Student Y raped him and that it was the first time he had "been with a man in that way." He also shared that his suicide attempt was due to the rape, and that he did not feel comfortable sharing that right away. Student K was educating John Doe on Catholicism because his Jewish community on campus was tainted with these issues.
>
> Student E is friends with Student Y and Student I. She did not know John Doe, but saw him around. She stated that Student Y described the sexual act with John

Doe and said that John Doe was bleeding afterward, but that John Doe was not upset. Student E said she believed Student Y more than John Doe.

99. On February 9, 2015, after all witness interviews had concluded, the Panel interviewed John Doe for a second time. John Doe continued to describe how Student Y sexually assaulted him. John Doe also reviewed the witness statements that had been gathered. Unfortunately, John Doe realized that the witnesses provided statements in support of Student Y, likely out of friendship and support for Student Y.

100. On February 9 and March 19, Crotty repeatedly subjected John Doe to questioning about his past sexual history and whether he had ever been sexually assaulted previously before attending Princeton. Princeton's line of inquiry was insensitive, irrelevant and in violation of Title IX.

101. A witness sent a follow-up e-mail to the Panel disclosing part of John Doe's sexual history in an e-mail to Crotty, which was then shared with John Doe, Student Y, Student Y's advisor and John Doe's advisor. John Doe's sexual history became part of the case file, and was shared with the Panel on March 11, 2015.

102. Overwhelmed with feelings of helplessness, John Doe attempted suicide in March 2015.

103. In March 2015, John Doe advised two Rabbis at Princeton about his suicide attempts. On or about April 12, 2015, John Doe contacted Princeton directly through an internal ethics complaint site and disclosed his suicide attempts. However, his notifications fell on deaf ears.

G. Princeton Facilitates Retaliation Against John Doe

104. On February 20, 2015, Princeton issued two sets of charges. Student Y was charged with of Sex Discrimination, Non-Consensual Sexual Penetration, Non-Consensual Sexual Contact, Sexual Harassment, Intimate Relationship Violence, Stalking in the Context of Intimate Relationships, and Sexual Exploitation.

105. Inexplicably, Princeton simultaneously charged John Doe with Sexual Harassment, Stalking in the Context of Intimate Relationships, and Retaliation against Student Y. There was no basis for these charges against John Doe given that he was the complainant and filed his complaint against Student Y first.

106. Upon information and belief, Student Y had made a cross-complaint against John Doe in retaliation for John Doe's complaint against Student Y.

107. In facilitating Student Y's cross-complaint and/or initiating its own charges against John Doe, Princeton acted in retaliation of John Doe's initial complaint against Student Y.

108. Upon information and belief, Princeton could not comprehend how a male homosexual student could be a victim of sexual assault in this situation. Princeton's retaliatory actions were in violation of the Rules and Title IX.

H. Princeton's Failure to Provide Effective Interim Restrictions

109. In October 21, 2014 and November 4, 2014, John Doe advised Princeton that he was being targeted on the basis of his homosexuality. Student Y's friends were yelling "liar" at John Doe and one student hurled a gay slur at John Doe. In a phone call with Lily Secora, John Doe requested a no contact order against these students. Although Secora claimed that she would handle John Doe's request, no-contact orders were never issued to the students.

110. Instead of issuing no-contact orders or initiating other interim restrictions to support John Doe's complaints, Princeton banned John Doe from attending Hillel on March 30, 2015. John Doe was excluded from participation in Princeton Hillel without any alternative place for him to go. This exclusion impacted John Doe more than Student Y. John Doe already felt isolated within the community of friends he had at Princeton, and the exclusion deprived John doe of learning and participating in the Jewish faith on campus. Princeton's exclusionary measure was in violation of Princeton's duty to ensure that the interim measure was effective, or identify alternatives.

111. Princeton's actions were in violation of its obligations under Policy 1.3 to provide reasonable and appropriate interim measures designed to preserve the complainant's educational experience. The goal is to minimize the burden on John Doe, as the complainant, and not remove complainant from classes or housing while allowing the alleged perpetrator to remain.

I. Princeton's Refusal To Make Accommodations For John Doe

112. After John Doe became aware of the biased witness statements during his second interview, John Doe sought the opportunity to correct the record and provide his responses in writing to confirm that his account was being accurately received.

113. Wrought with emotions, it took some time for John Doe to put his thoughts in writing. During the week of March 18, 2015, John Doe sent a request to Schreyer for an extension to take his Options midterm so that he may submit additional statements and evidence for consideration before the close of the Title IX investigation.

114. Schreyer refused to accommodate John Doe's request for an extension. Instead of assisting John Doe in succeeding in his coursework during this challenging time, Princeton repeatedly told John Doe to take a leave of absence.

115. John Doe complained twice to Schreyer that he felt as though Princeton was forcing John Doe out of the institution, and that Princeton's actions were retaliatory. However, his complaints went unaddressed.

116. John Doe was advised to contact his own academic advisor, Rene Carmona, for academic help. However, Mr. Carmona made absolutely no effort to help John Doe academically, and failed to respond to John Doe's e-mails.

117. As a result of Princeton's refusal to accommodate John Doe's request, John Doe was unable to successfully take his midterms on March 24 and 25. On the basis of John Doe's failure to sit for his midterm, John Doe received an "F" for his course.

J. Princeton's Lack of Impartiality

118. On March 30, 2015, Crotty gave Student Y an opportunity to belatedly submit new evidence in response to all of the interview summaries.

119. Yet, Crotty previously advised John Doe on March 16, 2015, "we will not be communicating with any of the parties," due to the fact that the Panel was now in the deliberations stage and wanted to preserve impartiality.

120. Princeton's circumvention of its policies to allow Student Y to make a belated submission of evidence, without providing John Doe with an equal opportunity to respond or submit evidence in response, significantly undermined the impartiality of the investigation.

121. Princeton's actions violated its obligations to allow both parties to have an equal opportunity to present relevant witnesses and other evidence.

K. The Erroneous Decision and John Doe's Appeal of the Decision

122. Notwithstanding the overwhelming evidence, including John Doe's submission of additional statements in support of his allegations, the Panel found Student Y "not responsible"

for the First Sexual Assault and the Second Sexual Assault ("Decision"). The Panel also found Student Y "not responsible" for sexual harassment.

123. Distressed over the Decision, John Doe intended on filing an appeal. At the time, John Doe was taking five classes and was scheduled to take three midterms while he was preparing his appeal.

124. John Doe continued to work on his appeal, citing procedural errors, and an utter disregard for due process. John Doe's appeal was hundreds of pages long. John Doe filed his appeal of the Decision on April 15, 2015 ("Appeal").

125. Upon information and belief, a three-person appellate panel ("Appeal Panel") comprised of the Dean of the College Jill S. Dolan, the Dean of the Graduate School Sanjeev R. Kulkarni and the chair of the Judicial Committee of the Council of the Princeton University Community Professor David Bell reviewed John Doe's Appeal. However, the Appeal Panel upheld the Decision and denied John Doe's Appeal.

126. Princeton's actions constituted numerous violations of the Rules: (i) Princeton failed to request witnesses or evidence from John Doe; (ii) filed retaliatory charges against John Doe; (iii) disclosed John Doe's private medical records to Student Y; (iv) failed to make accommodations for John Doe's coursework and exams; (v) pressured John Doe to take a leave of absence; and (vi) failed to provide help or resources to John Doe for his suicidal attempts.

L. Princeton's Gender Bias Against Male Victims of Sexual Misconduct

127. Upon information and belief, Princeton is aware of the inherent and systematic gender bias against male students with respect to allegations of sexual assault. Upon information and belief, Princeton also does not believe male students can be victims of sexual assault.

128. Princeton has a history of complaints regarding its mishandling of reports of sexual assault.

129. In or about 2010, an adjunct professor of New England Law, Wendy Murphy, filed a complaint with the U.S. Department of Education Office of Civil Rights alleging that Princeton's policies were in violation of Title IX.

130. On December 15, 2010, August 24, 2011, August 5, 2015 and September 30, 2015, the U.S. Department of Education Office of Civil Rights opened four (4) investigations against Princeton for violations of Title IX related to its handling of cases of sexual assault.

M. Princeton Ignored John Doe's Repeated Reports Of Suicide Attempts

131. Following his reports of sexual assault by Student Y, John Doe experienced isolation and distance from the Jewish student community on campus. As an influential student on campus, Student Y commanded a great deal of respect and loyalty from the Jewish student community, Rabbis, and Princeton faculty. As a result, the Jewish student community supported Student Y and distanced themselves from John Doe. John Doe's co-dependency on Student Y's community of contacts was no longer an option.

132. On January 7, 2015, John Doe approached Rabbi Eitan Webb ("Rabbi Webb") who is the Director of the Chabad House at Princeton. John Doe advised Rabbi Webb that "There are times I felt suicidal." Instead of providing resources or referring John Doe for psychiatric help, Rabbi Webb simply stated, "I think emotional reactions are okay - even important."

133. On March 18, 2015, John Doe emailed and messaged Rabbi Eliezer Bercuson for help. Rabbi Bercuson is the director of the Jewish Learning Initiative on campus. He is a staff member of the Center of Jewish Life ("CJL") at Princeton. John Doe stated that he was "so sick and tired of life." Rabbi Bercuson never responded to John Doe's email or followed up to ascertain John Doe's status or well-being.

134. Then on March 24, 2015, John Doe attempted to end his life but John Doe ended up calling an ambulance. The ambulance arrived and rushed him to the hospital.

135. John Doe emailed Rabbi Bercuson on March 31, 2015, and told him about his March 24 suicide attempt. He also informed him that he was given a very high dose of dexamethasone at the hospital, which made him feel even more depressed.

136. However, Rabi Bercuson did not respond or take action with respect to John Doe's suicidal behavior.

137. In April 2015, John Doe contacted Debra Bazarsky, the Diversity and Inclusion Manager at Princeton, whom John Doe considered to be an advisor. John Doe advised Ms. Bazarsky about his suicidal tendencies in an email. Ms. Bazarsky responded that she was "concerned" but other than forward John Doe's email to the Title IX Department, she did not take any active steps regarding those emails.

138. Upon information and belief, on March 24, 2015, Crotty, Schreyer, Secora, and the Office of Disability Services received the forwarded email concerning John Doe's suicidal tendencies.

139. Crotty did not respond or take action with respect to John Doe's suicidal behavior.

140. Secora did not respond or take action with respect to John Doe's suicidal behavior.

141. Schreyer did not respond or take action with respect to John Doe's suicidal behavior.

142. Princeton's Office of Disability Services did not respond or take action with respect to John Doe's suicidal behavior.

143. Upon information and belief, subsequently, Michele Minter ("Minter"), the Title IX coordinator at Princeton received notice of John Doe's suicidal behavior, but did not respond to such notification.

N. John Doe's Academic Career at Princeton is Irreparably Damaged

144. John Doe experienced significant stress and emotional upheaval from Student Y's sexual assaults and his suicide attempts. The circumstances had a negative impact on John Doe's grades and academic standing in his last semester at Princeton. Princeton refusals to provide John Doe with academic accommodations on his coursework during the student conduct process compounded John Doe's poor academic situation. Aware that he was unable to meet his degree requirements this semester, John Doe reached out to his academic advisor, Professor Rene Carmona, to request reenrollment for the following semester.

145. On April 23, 2015, Associate Dean for Academic Affairs Cole Crittenden reached out to John Doe to advise him of his unsatisfactory academic performance, and acknowledged John Doe's request for reenrollment. Dean Crittenden did not automatically grant his request for reenrollment. Instead, he required John Doe to maintain a "B average" in his remaining courses that semester as a "pre-requisite" for Princeton's consideration of John Doe's request to retake his courses in the Fall. John Doe was previously unaware of such "pre-requisite" and it was not outlined in Princeton's policies.

146. On June 3, 2015, Dean Crittenden terminated John Doe's enrollment with Princeton as a result of John Doe's failure to maintain a "B average" in his courses that semester. John Doe was not allowed to reenroll for his courses in the Fall, and his Master in Finance degree was thwarted in his last semester. "Best wishes to you in your future endeavors," Dean Crittenden concluded in his notice of termination to John Doe.

147. Princeton's actions in terminating John Doe's enrollment was arbitrary and capricious. Upon information and belief, another male student at Princeton pursuing a Master in Finance degree was entitled to graduate and receive his degree, notwithstanding his failure to complete his last semester in the program.

148. Additionally, Princeton failed to provide disability accommodations to John Doe during the disciplinary process. Instead of advising John Doe of his entitlement and access to disability services for his PTSD, Schreyer claimed that John Doe "did not disclose a disability." Schreyer's claim is refuted by the Panel's notes of John Doe's interview on January 22, 2015.

149. As a result of Princeton's termination of John Doe's enrollment, his student visa was also terminated and he was required to leave the country.

O. John Doe's Entire Future is Severely Damaged by Princeton's Actions

150. Princeton was deliberately indifferent to John Doe's complaints of sexual assault against Student Y.

151. Princeton failed to acknowledge or address John Doe's suicide attempts.

152. Princeton failed to protect John Doe from further harassment from Student Y's friends.

153. Princeton refused to make academic accommodations for John Doe's coursework and exams during this challenging time.

154. Princeton failed to provide disability accommodations to John Doe based on his PTSD.

155. Instead of providing John Doe with support and resources during this tumultuous time, Princeton filed retaliatory charges against John Doe for sexual misconduct.

156. As a result, John Doe's academics suffered and Princeton terminated his enrollment as a student.

157. John Doe's reputation is tarnished, his future career prospects are damaged, and his educational and employment future are compromised.

FIRST CAUSE OF ACTION
Violation of Title IX of the Education Amendments of 1972

158. John Doe repeats and realleges each and every allegation hereinabove as if fully set forth herein.

159. Title IX of the Education Amendments of 1972 provides, in relevant part, that:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

160. Title IX of the Education Amendments of 1972 applies to an entire school or institution if any part of that school receives federal funds.

161. Upon information and belief, Princeton receives federal funding for research and development.

162. Both the Department of Education and the Department of Justice have promulgated regulations under Title IX that require a school to "adopt and publish grievance procedures providing for the prompt and equitable resolution of student... complaints alleging any action which would be prohibited by" Title IX or regulations thereunder. 34 C.F.R. § 106.8(b) (Dep't of Education); 28 C.F.R. § 54.135(b) (Dep't of Justice) (emphasis added). Such prohibited actions include all forms of sexual harassment, including sexual intercourse, sexual assault, and rape.[3]

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[3] *See generally* U.S. Dep't of Education, Office for Civil Rights, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties -- Title IX* (2001) at 19-20, 21 & nn.98-101.

163. The "prompt and equitable" procedures that a school must implement to "accord due process to both parties involved" must include, at a minimum:

- "Notice . . . of the procedure, including where complaints may be filed";
- "Application of the procedure to complaints alleging [sexual] harassment...";
- "Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence";
- "Designated and reasonably prompt timeframes for the major stages of the complaint process"; and
- "Notice to the parties of the outcome of the complaint..."
- An assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate. ..."[4]

164. Princeton had actual notice of the irresponsible, negligent, improper and gender biased manner in which John Doe's complaints of sexual assault were investigated and adjudicated.

165. Upon information and belief, there is an inherent and systematic gender bias against male students who are victims of sexual misconduct at Princeton. Due to Princeton's gender stereotypes, male students are unable to receive a fair and impartial student conduct process when filing a complaint of sexual assault.

166. Princeton tolerated and endorsed procedures and policies which deprived John Doe, a male student, of the same rights and privileges afforded to female students.

167. Princeton was motivated by gender biases when it simultaneously charged John Doe with Sexual Harassment, Stalking in the Context of Intimate Relationships, and Retaliation.

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[4] *Id.* at 20.

168. Princeton was motivated by gender biases when it failed to issue interim restrictions to address the harassment John Doe suffered from Student Y's friends.

169. Princeton was motivated by gender biases when it issued interim restrictions precluding John Doe from entering Princeton Hillel thereby further depriving John Doe of educational opportunities.

170. Princeton was motivated by gender biases when it failed to find Student Y guilty of sexual misconduct.

171. Princeton was motivated by gender biases when it failed to perform a thorough and impartial investigation of all evidence and witnesses from John Doe.

172. Princeton's actions constitute a systemic pattern of deliberate decisions by its administrators directly in violation of its students' rights to be free from a sexually discriminatory and harassing environment pursuant to Princeton's policies and Title IX.

173. Princeton has created an environment where a male victim of sexual assault is fundamentally denied a fair and impartial process.

174. John Doe would not have been subjected to Princeton's discriminatory acts if he were a female victim of sexual assault by a male assailant.

175. Princeton acted with deliberate indifference to known sexual assaults and sexual harassment against John Doe so as to create a hostile sexual environment.

176. Princeton's deliberate indifference was motivated by John Doe's male gender.

177. Princeton had no intention of following its own policies and procedures for John Doe as the male victim of sexual assault when it found Student Y "not responsible" for the sexual assaults, notwithstanding that there was a preponderance of evidence that the sexual assaults occurred.

178. John Doe is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements.

SECOND CAUSE OF ACTION
Breach of Contract

179. John Doe repeats and realleges each and every allegation hereinabove as if fully set forth herein.

180. Princeton's policy on individual integrity requires that members of the Princeton community will "be honest and straightforward in their official dealings with University processes, activities, and personnel." *See,* Policy, 1.1.5, **Exhibit A**.

181. The purpose of the regulations is to protect the well-being of the Princeton community. *See,* Policy, 1.1.1, **Exhibit A**.

182. Princeton agreed to allow its community members to live in a discrimination- and harassment-free environment. *See,* Policy, 1.2.2, **Exhibit A**.

183. Princeton committed several breaches of its agreement with John Doe.

184. Princeton failed to hold Student Y accountable for the sexual assaults with deliberate indifference to John Doe's welfare and academic well-being in violation of the Rules.

185. In committing egregious violations of John Doe's rights during the student conduct process, Crotty failed to act with individual integrity with deliberate indifference to John Doe's welfare and academic well-being in violation of the Rules.

186. Princeton has deprived John Doe of his contractual rights to a fair and impartial process in violation of the Rules.

187. Princeton's failed to protect John Doe from a hostile environment caused by Student Y's sexual assault and, instead, treated John Doe like the perpetrator by excluding him from Princeton Hillel.

188. Instead of allowing him an opportunity to retake his courses the following semester, Princeton terminated his enrollment as a student based upon an arbitrary requirement that he should have maintained a "B average" in his courses.

189. As a direct and foreseeable consequence of these breaches, John Doe sustained tremendous damages, including, without limitation, emotional distress, economic injuries, and other direct and consequential damages.

190. John Doe is entitled to recover damages for Princeton's breach of the express and/or implied contractual obligations described above.

191. Based on the foregoing, Princeton breached and violated the covenant of good faith and fair dealing inherent in every contract arising therefrom.

192. As a direct and proximate result of the above conduct, actions and inactions, John Doe has suffered physical, psychological, emotional and reputational damages, economic injuries and the loss of educational and post-graduate opportunities.

193. As a result of the foregoing, John Doe is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements.

THIRD CAUSE OF ACTION
Estoppel and Reliance

194. John Doe repeats and realleges each and every allegation hereinabove as if fully set forth herein.

195. Princeton's various policies constitute representations and promises that Princeton should have reasonably expected to induce action or forbearance by John Doe.

196. Princeton expected or should have expected John Doe to accept its offer of admission, incur tuition and fee expenses, and choose not to attend other colleges based on its express and implied promises that Princeton would not tolerate, and John Doe would not suffer,

sexual assault by fellow students and would not deny John Doe his procedural rights should he become a victim of a violation of the Rules.

197. Princeton expected or should have expected John Doe to accept its offer of admission, incur tuition and fee expenses, and choose not to attend other colleges based on its express and implied promises that Princeton would not tolerate, and John Doe would not suffer, an arbitrary termination of his enrollment in his last semester of his graduate program during a time when he was undergoing an emotionally stressful student conduct process as a victim of sexual assault and harassment, and experiencing suicidal tendencies.

198. John Doe relied to his detriment on these express and implied promises and representations made by Princeton.

199. Based on the foregoing, Princeton is liable to John Doe based on estoppel.

200. As a direct and foreseeable consequence of these breaches, John Doe sustained tremendous damages, including, without limitation, emotional distress, economic injuries, and other direct and consequential damages.

201. As a result of the foregoing, John Doe is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements.

FOURTH CAUSE OF ACTION
Negligence

202. John Doe repeats and realleges each and every allegation hereinabove as if fully set forth herein.

203. Princeton owed duties of care to John Doe. Such duties included, without limitation, a duty of reasonable care in the investigation and outcome of John Doe's allegations of sexual assaults by Student Y.

204. Princeton owed a duty of reasonable care to provide resources, guidance and intervention regarding John Doe's suicide attempts.

205. Princeton breached its duties owed to John Doe.

206. As a direct and foreseeable consequence of these breaches, John Doe sustained tremendous damages, including, without limitation, emotional distress, economic injuries, and other direct and consequential damages.

207. As a result of the foregoing, John Doe is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements.

PRAYER FOR RELIEF

WHEREFORE, for the foregoing reasons, John Doe demands judgment against Princeton as follows:

(i) on the first cause of action for violation of Title IX of the Education Amendments of 1972, a judgment awarding John Doe damages in an amount to be determined at trial, including, without limitation, emotional distress, economic injuries, and other direct and consequential damages, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements;

(ii) on the second cause of action for breach of contract, a judgment awarding John Doe damages in an amount to be determined at trial, including, without limitation, emotional distress, economic injuries, and other direct and consequential damages, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements;

(iii) on the third cause of action for estoppel and reliance, a judgment awarding John Doe damages in an amount to be determined at trial, including, without limitation, emotional distress, economic injuries, and other direct and consequential damages, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements;

(iv) on the fourth cause of action for negligence, a judgment awarding John Doe damages in an amount to be determined at trial, including, without limitation, emotional distress, economic injuries, and other direct and consequential damages, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements;

(v) awarding John Doe such other and further relief as the Court deems just, equitable and proper.

Dated: New York, New York
March 9, 2017

Respectfully submitted,

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CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I certify that the matter in controversy is not the subject of any other action pending in any court or agency or any arbitration or administrative proceeding.

Dated: New York, New York
March 9, 2017

By: ______________________

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